

DEPARTMENT OF COMMERCE
Patent and Trademark Office
Report on Patent and Trademark Fees and Obligations

The following report complies with the provisions of Public Law 99-607 which are set forth in Section 42 of title 35, United States Code. This law states:

Section 42 of title 35, United States Code:

Subsection (e) REPORT TO CONGRESS. -- The Secretary of Commerce shall, on the day on which the President submits the annual budget to the Congress, provide to the Committees on the Judiciary of the Senate and the House of Representatives –

- (1) a list of patent and trademark fee collections by the Patent and Trademark Office during fiscal year 2000;
- (2) a list of activities of the Patent and Trademark Office during the preceding fiscal year which were supported by patent fee expenditures, trademark fee expenditures, and appropriations;
- (3) budget plans for significant programs, projects, and activities of the Office, including out-year funding estimates;
- (4) any proposed disposition of surplus fees by the Office; and
- (5) such other information as the committees consider necessary.

This report consists of three tables, which are explained below:

Table 1 provides an overall summary of actual resources and obligations for patents and trademarks for fiscal year 2000.

Table 2 shows a listing of all patent and trademark fees collected during fiscal year 2000 by fee code.

Table 3 shows the obligations incurred by each Business Area and the amount of patent and trademark fees that were used to offset these obligations during fiscal year 2000.

Plans for significant program, projects and activities, along with out-year estimates and expected use of surplus fees are included in the body of the fiscal year 2001 Corporate Plan.

Table 1

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
FY 2000 Statement of Resources and Obligations
(Dollars in Thousands)

Description	Patent	Trademark	Total
Resources:			
FY 2000 Offsetting Fee Collections	\$839,602	\$165,914	\$1,005,516
FY 1999 Unobligated Balance Forward	144,058	870	144,928
Recoveries of Prior Year Obligations	11,304	2,701	14,005
Federal Reimbursements	476	86	562
Public Expenditure Refunds Collected	541	0	541
Government Expenditure Refunds Collected	0	0	0
Less: Change in Public Receivables	40	0	40
Less: Current Year Funds Rescinded pursuant to P.L. 106-113	(2,554)	(426)	(2,980)
Less: Current Year Fees Not Available pursuant to P.L. 106-113	(231,636)	(27,809)	(259,445)
Total Resources	\$761,831	\$141,336	\$903,167
Obligations Incurred	\$758,619	\$136,625	\$895,244
FY 2000 Unobligated Balance	\$3,212	\$4,711	\$7,923

Table 2

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Fee Income Report
FY 2000

Fee Code	Fee Title	FY 2000 Fee Rates	FY 2000 Planned Fee Income	FY 2000 Actual Fee Income	FY 2000 Variance From Plan
Statutory Patent Fees(Large Entity):					
101	Filing Original Patent Application	\$690.00	\$122,783,966	\$112,054,348	(\$10,729,618)
102	Independent Claims in Excess of 3	\$78.00	17,163,049	18,028,206	865,157
103	Total Claims in Excess of 20	\$18.00	19,835,627	23,146,054	3,310,427
104	Multiple Dependent Claims per Appln	\$260.00	2,307,591	2,246,540	(61,051)
106	Filing Design Patent Application	\$310.00	2,238,526	2,598,242	359,716
107	Filing Plant Patent Application	\$480.00	141,216	144,160	2,944
108	Filing Reissue Patent Application	\$690.00	234,688	337,731	103,043
109	Indep Claims in Excess of Orig Patent	\$78.00	71,786	122,826	51,040
110	Each Claim in Excess of 20 & Orig Pat	\$18.00	72,642	116,950	44,308
114	Provisional Application Filing Fees	\$150.00	5,111,873	6,597,602	1,485,729
115	First One Month Extension	\$110.00	5,657,145	5,491,640	(165,505)
116	Second One Month Extension	\$380.00	10,437,012	10,114,907	(322,105)
117	Third One Month Extension	\$870.00	31,654,559	26,970,979	(4,683,580)
118	Fourth One Month Extension	\$1,360.00	3,693,923	3,016,158	(677,765)
119	Notice of Appeal to Board of Appeals	\$300.00	4,013,691	3,560,660	(453,031)
120	Filing a Brief in Support of an Appeal	\$300.00	1,291,896	1,260,590	(31,306)
121	Filing a Request for an Oral Hearing	\$260.00	268,042	146,160	(121,882)
124	Initial Application for Interim Extension	\$420.00	2,314	1,260	(1,054)
125	Subsequent Application for Interim Extension	\$220.00	400	0	(400)
128	Extension for Response within Fifth Month	\$1,850.00	2,305,100	2,733,470	428,370
131	Continuing Patent Application - Utility Filing	\$690.00	24,108,652	17,390,535	(6,718,117)
132	Continuing Patent Application - Design Filing	\$310.00	392,851	67,600	(325,251)
133	Continuing Patent Application - Plant Filing	\$480.00	24,706	7,200	(17,506)
134	Continuing Patent Application - Reissue Filing	\$690.00	41,040	3,520	(37,520)
140	Reviving Abandoned Application	\$110.00	26,356	12,980	(13,376)
141	Reviving Unintent Abandoned Application	\$1,210.00	2,896,776	3,438,545	541,769
142	Issue of Original or Reissue Patent	\$1,210.00	146,423,685	139,546,200	(6,877,485)
143	Issue of Design Patent	\$430.00	2,484,557	3,126,140	641,583
144	Issue of Plant Patent	\$580.00	128,453	124,300	(4,153)
148	Statutory Disclaimers	\$110.00	995,500	1,133,220	137,720
183	First Stage Maintenance Fee	\$830.00	70,828,182	66,958,252	(3,869,930)
184	Second Stage Maintenance Fee	\$1,900.00	87,985,542	91,933,790	3,948,248
185	Third Stage Maintenance Fee	\$2,910.00	81,856,409	80,372,300	(1,484,109)

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Fee Code	Fee Title	FY 2000 Fee Rates	FY 2000 Planned Fee Income	FY 2000 Actual Fee Income	FY 2000 Variance From Plan
956	Nat'l Fee if USPTO is IPEA and ISA	\$670.00	612,266	401,580	(210,686)
958	Nat'l Fee if USPTO is ISA but not IPEA	\$690.00	229,771	106,150	(123,621)
960	Nat'l Fee if USPTO is Not IPEA or ISA	\$970.00	3,314,752	1,893,650	(1,421,102)
962	Claims not in Accordance with PCT Art.	\$96.00	30,757	31,234	477
964	Indep. Claims in Excess of 3	\$78.00	892,365	946,322	53,957
966	Each Claim in Excess of 20	\$18.00	1,330,933	1,416,784	85,851
968	Multiple Dependent Claims	\$260.00	604,183	771,750	167,567
970	Nat'l Fee for Filing with EPO Report	\$840.00	11,797,640	12,956,278	1,158,638
Subtotal, Statutory Patent Fees (Large Entity)		...	\$666,290,422	\$641,326,813	(\$24,963,609)
Statutory Patent Fees(Small Entity):					
201	Filing Original Patent Application	\$345.00	\$24,457,552	\$25,663,301	\$1,205,749
202	Independent Claims in Excess of 3	\$39.00	2,835,634	3,140,551	304,917
203	Total Claims in Excess of 20	\$9.00	3,989,228	4,861,065	871,837
204	Multiple Dependent Claims per Appln	\$130.00	340,037	358,150	18,113
206	Filing Design Patent Application	\$155.00	1,285,420	1,530,722	245,302
207	Filing Plant Patent Application	\$240.00	73,649	114,960	41,311
208	Filing Reissue Patent Application	\$345.00	46,284	77,410	31,126
209	Indep Claims in Excess of Orig Patent	\$39.00	12,503	18,566	6,063
210	Each Claim in Excess of 20 & Orig Pat	\$9.00	11,336	16,866	5,530
214	Provisional Application Filing Fees	\$75.00	2,088,341	2,484,855	396,514
215	First One Month Extension	\$55.00	1,113,278	1,030,550	(82,728)
216	Second One Month Extension	\$190.00	2,130,084	2,005,951	(124,133)
217	Third One Month Extension	\$435.00	6,958,638	6,176,528	(782,110)
218	Fourth One Month Extension	\$680.00	1,039,849	816,968	(222,881)
219	Notice of Appeal to Board of Appeals	\$150.00	649,569	535,745	(113,824)
220	Filing a Brief in Support of an Appeal	\$150.00	201,069	170,855	(30,214)
221	Filing a Request for an Oral Hearing	\$130.00	31,321	20,265	(11,056)
228	Extension for Response within Fifth Month	\$925.00	692,945	756,299	63,354
231	Continuing Patent Application - Utility Filing	\$345.00	4,800,430	2,143,395	(2,657,035)
232	Continuing Patent Application - Design Filing	\$155.00	224,978	13,950	(211,028)
233	Continuing Patent Application - Plant Filing	\$240.00	12,960	1,680	(11,280)
234	Continuing Patent Application - Reissue Filing	\$345.00	7,980	0	(7,980)

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240	Reviving Abandoned Application	\$55.00	20,299	11,935	(8,364)
241	Reviving Unintent Abandoned Application	\$605.00	1,021,718	1,058,095	36,377
242	Issue of Original or Reissue Patent	\$605.00	28,942,522	26,258,100	(2,684,422)
243	Issue of Design Patent	\$215.00	1,588,431	1,841,080	252,649
244	Issue of Plant Patent	\$290.00	121,510	68,435	(53,075)
248	Statutory Disclaimers	\$55.00	220,488	242,770	22,282
283	First Stage Maintenance Fee	\$415.00	11,502,973	10,027,058	(1,475,915)
284	Second Stage Maintenance Fee	\$950.00	11,013,151	11,175,350	162,199
285	Third Stage Maintenance Fee	\$1,455.00	8,415,938	8,258,740	(157,198)
957	Nat'l Fee if USPTO is IPEA and ISA	\$335.00	78,702	115,100	36,398
959	Nat'l Fee if USPTO is ISA but not IPEA	\$345.00	48,944	49,765	821
961	Nat'l Fee if USPTO is Not IPEA or ISA	\$485.00	514,774	567,910	53,136
963	Claims not in Accordance with PCT Art.	\$48.00	8,700	9,602	902
965	Indep. Claims in Excess of 3	\$39.00	88,279	115,451	27,172
967	Each Claim in Excess of 20	\$9.00	148,282	229,724	81,442
969	Multiple Dependent Claims	\$130.00	61,151	83,095	21,944
971	Nat'l Fee for Filing with EPO Report	\$420.00	955,286	1,191,206	235,920
Subtotal, Statutory Patent Fees (Small Entity)		. . .	\$117,754,233	\$113,242,048	(\$4,512,185)
Total Statutory Patent Fees			\$784,044,655	\$754,568,861	(\$29,475,794)

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Non-Statutory Patent Processing Fees:					
105	Surcharge on Late Payment of Appln Fee	\$130.00	\$7,001,262	\$6,985,225	(\$16,037)
111	Application for Extension of Patent Term	\$1,120.00	62,574	51,520	(11,054)
112	SIR - Prior to Examiner Action	\$920.00	10,635	8,860	(1,775)
113	SIR - After Examiner Action	\$1,840.00	50,710	58,543	7,833
122	Petitions to the Commissioner	\$130.00	2,312,281	2,169,700	(142,581)
123	Petitions Related to Provisional Applns	\$50.00	37,647	35,250	(2,397)
126	Submission of Information Document	\$240.00	4,254,686	4,609,460	354,774
127	Surcharge for Filing Provisional Fee Late	\$50.00	49,753	119,000	69,247
138	Public Use Proceeding	\$1,510.00	5,587	4,530	(1,057)
139	Filing & Processing Non-English Appln	\$130.00	178,723	277,550	98,827
145	Cert of Correction, Applicant Mistake	\$100.00	628,895	702,300	73,405
146	Filing a Submission after Final Rejection	\$690.00	524,940	195,970	(328,970)
147	Filing Request for Reexamination	\$2,520.00	911,358	706,960	(204,398)
149	For Each Additional Invention to be Examined	\$690.00	7,661	2,750	(4,911)
150	PCT Transmittal Fee	\$240.00	8,079,919	8,633,020	553,101
151	PCT Search Fee - NO Corr US Appln	\$700.00	3,283,497	4,185,300	901,803
152	Supplemental Search	\$210.00	173,502	340,620	167,118
153	PCT Search Fee - Corr US Appln Filed	\$450.00	5,338,629	4,743,470	(595,159)
154	Surcharge for Filing National Fee Late	\$130.00	853,245	1,118,130	264,885
155	PCT - Late Payment Fee	\$0.00	1,117,983	(66,953)	(1,184,936)
156	English Translation After 20 Months	\$130.00	6,511,397	86,970	(6,424,427)
157	PCT - Designation Confirmation Fee	\$0.00	33,425	47,724	14,299
159	Overpayments - PCT	\$0.00	5,000	0	(5,000)
179	Request for Continued Examination	\$690.00	0	542,340	542,340
186	Maint Surcharge in Grace Period	\$130.00	702,640	620,560	(82,080)
187	Maint Surcharge - Unavoidable	\$700.00	79,800	27,485	(52,315)
188	Maint Surcharge - Unintentional	\$1,640.00	1,883,589	1,758,560	(125,029)
190	PCT - Pre Exam (USPTO is ISA)	\$490.00	6,978,850	6,708,100	(270,750)
191	PCT - Pre Exam (USPTO NOT ISA)	\$750.00	2,211,488	2,782,500	571,012
192	PCT - Pre-Exam Fee per Add'l Invention	\$140.00	71,931	120,820	48,889
193	PCT - Pre-Exam Fee per Add'l Invention	\$270.00	14,526	19,710	5,184

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205	Surcharge on Late Payment of Appln Fee	\$65.00	1,243,767	1,277,380	33,613
227	Surcharge for Filing Provisional Fee Late	\$25.00	68,855	76,500	7,645
246	Filing a Submission after Final Rejection	\$345.00	153,775	67,260	(86,515)
249	For Each Additional Invention to be Examined	\$345.00	1,368	1,485	117
254	Surcharge for Filing National Fee Late	\$65.00	104,961	162,630	57,669
279	Request for Continued Examination	\$690.00	0	64,860	64,860
286	Maint Surcharge in Grace Period	\$65.00	361,889	404,820	42,931
Subtotal, Non-Statutory Patent Processing Fees		...	\$55,310,748	\$49,650,909	(\$5,659,839)
Non-Statutory Patent Service Fees:					
561	B/W Copy of Patent or Design	\$3.00	\$4,664,210	\$3,336,028	(\$1,328,182)
562	Patent Copy - Expedited Service	\$6.00	237,878	15,492	(222,386)
563	Patent Copy - Expedited Service via EOS	\$25.00	58,944	(200)	(59,144)
564	Color Copy of Plant Patent	\$15.00	27,770	8,553	(19,217)
565	Copy of Utility Patent With Color Drawings	\$25.00	1,250	950	(300)
566	Copy of Patent Appln as Filed	\$15.00	1,713,029	1,767,408	54,379
567	Cert Copy of Patent Appln - Expedited	\$30.00	853,588	1,163,640	310,052
568	Copy of Patent File & Contents	\$150.00	551,081	372,600	(178,481)
569	Copy of Office Records per Document	\$25.00	438,277	252,625	(185,652)
570	Patent Abstract of Title & Certificate	\$25.00	909,835	355,000	(554,835)
571	Annual Library Subscription	\$50.00	5,544	4,300	(1,244)
573	Status of Maintenance Fee Payment	\$10.00	5,163	5,330	167
574	Copy of Non-U.S. Document	\$25.00	137,625	28,050	(109,575)
575	Compare Copies with Original & Certify	\$25.00	78,048	54,600	(23,448)
576	Duplicate of Correct Filing Receipt	\$25.00	49,747	42,400	(7,347)
577	Filing a Disclosure Document	\$10.00	141,971	181,960	39,989
578	Annual Delivery Box Rental	\$50.00	8,099	10,300	2,201
579	International-Type Search Report	\$40.00	0	120	120
580	Self Service Copy Charge, per Page	\$0.25	6,050,070	5,023,909	(1,026,161)
581	Recording Each Patent Assignment	\$40.00	13,642,815	12,520,990	(1,121,825)
582	Recording Each Additional Patent Property	\$0.00	0	1	1
583	Publication in Official Gazette	\$25.00	1,509	1,400	(109)
584	Labor Charge for Services per Hour	\$40.00	142,050	101,240	(40,810)
585	Unspecified Other Services	\$0.00	89,768	83,515	(6,253)

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FY 2000

Fee Code	Fee Title	FY 2000 Fee Rates	FY 2000 Planned Fee Income	FY 2000 Actual Fee Income	FY 2000 Variance From Plan
586	Process and Retain Abandoned Application	\$130.00	25,285	43,550	18,265
587	Handling Fee for Appln Filed W/O Drawing	\$130.00	18,693	11,960	(6,733)
588	Terminal Charge - Automated Patent Search	\$40.00	246,191	3,457	(242,734)
590	Coupons - Patent or Design, Each	\$3.00	272,004	138,765	(133,239)
591	APS - Text Terminal Session Time -PTDL's	\$15.00	10,828	0	(10,828)
592	APS - CSIR Terminal Session Time	\$50.00	751,750	20,755	(730,995)
607	Establish or Reinstate Deposit Account	\$10.00	4,360	3,210	(1,150)
608	Service Charge on End Bal - \$1000 Min	\$25.00	107,463	103,075	(4,388)
609	Attorney Fee - Admission to Examination	\$40.00	128,954	176,200	47,246
610	Attorney Fee - Registration to Practice	\$100.00	211,177	196,800	(14,377)
611	Attorney Fee - Reinstatement to Practice	\$40.00	441	1,160	719
612	Attorney Fee - Cert of Good Standing	\$10.00	1,347	1,380	33
613	Attorney Fee - Cert of Standing, Framing	\$20.00	140	480	340
615	Pet for Review of Decision by E.O.D.	\$130.00	2,664	910	(1,754)
616	Regrading an Examination - A.M.	\$230.00	9,522	24,150	14,628
617	Processing Returned Checks	\$50.00	20,240	14,600	(5,640)
618	Computer Records, at Cost	\$0.00	1,300,000	784,410	(515,590)
619	Registration Examination Fee	\$310.00	1,284,029	1,215,220	(68,809)
620	Regrading an Examination - P.M.	\$230.00	9,676	15,870	6,194
...	Miscellaneous Patent Fees		3,413	7,296,024	7,296,024
Subtotal, Non-Statutory Patent Service Fees		...	\$34,216,448	\$35,382,187	\$1,169,152
Total Non-Statutory Patent Fees			\$89,527,196	\$85,033,096	(\$4,490,687)
Total Patent Fees			\$873,571,851	\$839,601,957	(\$33,966,481)

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Fee Code	Fee Title	FY 2000 Fee Rates	FY 2000 Planned Fee Income	FY 2000 Actual Fee Income	FY 2000 Variance From Plan
Trademark Processing Fees:					
361	Application for Registration	\$325.00	\$76,034,981	\$118,346,361	\$42,311,380
362	Amendment to Allege Use	\$100.00	705,457	896,655	191,198
363	Statement of Use	\$100.00	4,913,739	4,565,400	(348,339)
364	Extensions of Time (Intent to Use)	\$150.00	8,047,945	12,752,305	4,704,360
365	Application for Renewal	\$400.00	6,294,066	9,541,000	3,246,934
366	Surcharge for Late Renewal	\$100.00	209,839	138,000	(71,839)
367	Publication of Mark Under Sec 12c	\$100.00	1,000	2,200	1,200
368	Issuing New Certificate of Registration	\$100.00	191,560	29,600	(161,960)
369	Cert of Correction of Applicant Error	\$100.00	420	56,200	55,780
370	Filing Disclaimer to Registration	\$100.00	0	900	900
371	Filing Amendment to Registration	\$100.00	280	66,600	66,320
372	Filing Affidavit Under Section 8	\$100.00	4,789,078	4,838,000	48,922
373	Filing Affidavit Under Section 15	\$200.00	514,606	4,208,200	3,693,594
374	Filing Affidavit Under Section 8 & 15	\$200.00	35,818	555,600	519,782
375	Petitions to the Commissioner	\$100.00	172,379	656,700	484,321
376	Petition to Cancel	\$300.00	322,798	517,200	194,402
377	Notice of Opposition	\$300.00	1,007,556	1,845,300	837,744
378	Ex Parte Appeal to the TTAB	\$100.00	201,912	321,500	119,588
379	Divisional of Applications	\$100.00	132,192	125,600	(6,592)
380	Correcting Deficiency in Renewal Application	\$100.00	209,000	6,600	(202,400)
381	Filing Section 8 Affidavit During Grace Period	\$100.00	478,600	298,500	(180,100)
382	Correcting Deficiency in Section 8 Affidavit	\$100.00	478,600	13,400	(465,200)
Subtotal, Trademark Processing Fees		. . .	\$104,741,826	\$159,781,821	\$55,039,995

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Trademark Service Fees:					
461	Printed Copy of Each Registered Mark	\$3.00	\$4,398	\$6,393	\$1,995
462	Trademark Copy - Expedited Service	\$6.00	1,650	402	(1,248)
463	TM Copy - Expedited Service via EOS	\$25.00	1,025	75	(950)
464	TM Copy with Title or Status - Reg Serv	\$15.00	234,565	95,790	(138,775)
465	TM Copy with Title or Status - Expedited	\$30.00	531,570	235,970	(295,600)
466	Cert Copy of TM Appln as Filed - Regular	\$15.00	213,010	425,895	212,885
467	Cert Copy of TM Appln as Filed - Exped	\$30.00	425,334	711,870	286,536
468	Cert Copy of TM File and Contents	\$50.00	42,754	42,550	(204)
469	Certified Copy of Trademark Document	\$25.00	15,400	10,950	(4,450)
470	Abstracts of Title, per Registration	\$25.00	35,950	35,800	(150)
475	Compare Copies with Original & Certify	\$25.00	16,775	18,925	2,150
480	Self Service Copy Charge, per Page	\$0.25	704,681	662,613	(42,068)
481	Recording TM Assignment Documents	\$40.00	998,220	1,028,960	30,740
482	Recording Each Additional Mark	\$25.00	3,117,933	2,698,475	(419,458)
484	Labor Charge for Services per Hour	\$40.00	46,592	43,920	(2,672)
485	Unspecified Other Trademark Services	\$0.00	44,014	110,196	66,182
488	Terminal Charge for Automated TM Search	\$40.00	100,120	819	(99,301)
490	Coupons - Trademarks, Each	\$3.00	5,223	0	(5,223)
650	Recordal Application Fee	\$20.00	1,028	2,430	1,402
651	Renewal Application Fee	\$20.00	0	20	20
652	Late Fee for Renewal Application	\$20.00	0	0	0
Subtotal, Trademark Service Fees		...	\$6,540,242	\$6,132,053	(\$408,189)
Total Trademark Fees			\$111,282,068	\$165,913,874	\$54,631,806

Table 2

**U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Fee Income Report - Summary
FY 2000**

Fee Summary	FY 2000 Planned Fee Income	FY 2000 Actual Fee Income	FY 2000 Variance From Plan
Total Patent Fee Collections	\$878,568,430	\$839,601,957	(\$38,966,474)
Total Trademark Fee Collections	122,431,570	165,913,874	43,482,304
Total Patent and Trademark Fees	\$1,001,000,000	\$1,005,515,831	\$4,515,831

**Reconciliation of FY 2000 Fee Variance from Plan to
Fees Not Available Pursuant to P.L. 106-113:**

FY 2000 Variance from Plan	\$4,515,831
Less: Change in Public Receivables	39,741

Fees Not Available Pursuant to P.L. 106-113:	\$4,555,572
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Table 3

**U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
FY 2000 Resources and Obligations
By Business Area
(Dollars in Thousands)**

Business Area	Total Resources Available	Actual Obligations Incurred From:			Percent Of Total Obligations	FY 2000 Unobligated Balance
		Offsetting Patent Fees	Offsetting Trademark Fees	Total Actual Obligations		
Business Area:						
Patents	\$741,987	\$738,775	\$0	\$738,775	82.5%	\$3,212
Trademarks	142,660	0	133,394	133,394	14.9%	9,266
IP Leadership	23,075	19,844	3,231	23,075	2.6%	0
Total Patent and Trademark Office	\$907,722	\$758,619	\$136,625	\$895,244	100.0%	\$12,478
Percent Financing from Patent vs Trademark Fees		84.7%	15.3%	100.0%		